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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,008	02/24/2004	Yuzuru Suzuki	31647-8	3940

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

LEE, GUNYOUNG T

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,008

Applicant(s)

SUZUKI ET AL.

Examiner

Gunyoung T. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/24/04, 7/19/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The claims must be given their broadest reasonable interpretation. See MPEP § 2111.

Claim Objections

2. Claims 1-2 and 5-6 are objected to because of the following informalities: the pronouns "its" in lines 19-20 of claim 1, in line 2 of claim 2, in line 3 of claim 5, and in line 7 of claim 6 render the claims indefinite. It is advised by Examiner not to use a pronoun in the claims. Appropriate correction is required.
3. Claims 1 and 6 are further objected to because of the following informalities: the use of the word "**can**" in line 17 of claim 1 and in lines 13, 16 and 20 of claim 6 render the claims indefinite, because it is unclear whether the structural limitations following the word, namely the "can", is part of the claimed invention (see MPEP § 2173.05(g)). It is advised by Examiner not to use the terms, such as "**can**" or "**capable of**", in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergkvist (US 4,217,631) in view of Menke (US 5,664,865).

7. Bergkvist discloses an adjustable headlight system (Fig. 1).

8. In regards to claims 1-3, Bergkvist discloses:

- A connecting lever (Fig. 1, 1) defining a first end and a second end, and having the first end fixed to a headlamp assembly (3, 4, 5) which emits light and which is mounted on an automotive vehicle (col. 1, lines 8-12) (claim 1);
- Wherein a prescribed portion (Fig. 1, 6) between the first and second ends of the connecting lever (1) being attached in a horizontally movable manner to one predetermined portion of an outside frame (2) which either encloses the headlamp assembly or constitutes a body of the automotive vehicle (claim 1);

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- A motor (Fig. 1, 7) including a motor body which includes a rotating mechanism, and a rotary shaft (9) which has a rearward portion thereof inserted through the motor body, has a frontward portion thereof sticking out from the motor body, and which has a spiral screw formed on the frontward portion thereof (claim 1);
 - A traveling block (Fig. 1, 10) having a screw formed on its inner circumference so as to threadedly engage with the spiral screw formed on the rotary shaft (col. 2, lines 29-32), and attached to the second end of the connecting lever (1) (claim 1);
 - Wherein the traveling block (Fig. 1, 10) is caused to travel along the rotary shaft (9) when the rotary shaft rotates with respect to the motor body (7) (col. 2, lines 34-38) (claim 1).
 - Wherein the headlamp assembly (Fig. 1, 3, 4, 5) emits light from a front surface (5) and has a rear portion fixed to the connecting lever (1) (claim 2);
 - Wherein the connecting lever (Fig. 1, 1), the motor (7) and traveling block (10) are housed in a chassis (2) (claim 3).
9. However, Bergkvist does not expressly disclose:
- A motor attaching member for attaching a motor to a bracket attached to a predetermined portion of a vehicle (claim 1).
10. Menke discloses an adjusting mechanism for a vehicle light (Fig. 2, 22) having a motor attaching member (54) for attaching a motor to a bracket (24) attached to a predetermined portion of a vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the motor attaching

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member and the bracket of Menke for the adjustable headlight system of Bergkvist to provide structural support to the motor with simple structures, for the purpose of providing a solid structural support to the motor while minimizing the manufacturing cost of the system.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergkvist (US 4,217,631) and Menke (US 5,664,865) as applied to claim 1 above, and further in view of Fratty (US 6,238,071).

12. In regards to claim 4, Bergkvist and Menke disclose the invention substantially as claimed except that the motor is a stepping motor. Fratty discloses an adjustable vehicle headlight system (Fig. 2) with a stepping motor (col. 3, lines 8-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the stepping motor of Fratty for the adjustable headlight system of Bergkvist modified by Menke, for the purpose of enhancing the accurate in controlling the optical axis of the headlight beam.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergkvist (US 4,217,631) in view of Menke (US 5,664,865).

14. Bergkvist discloses an adjustable headlight system (Fig. 1).

15. In regards to claim 6, Bergkvist discloses:

- A motor (Fig. 1, 7) including a motor body which includes a rotating mechanism, and a rotary shaft (9) which has a rearward portion thereof inserted through the

motor body, has a frontward portion thereof sticking out from the motor body, an which has a spiral screw formed on the frontward portion thereof;

- A traveling block (Fig. 1, 10) having a screw formed on its inner circumference so as to threadedly engage with the spiral screw formed on the rotary shaft (col. 2, lines 29-332);
- Wherein the traveling block (Fig. 1, 10) is caused to travel along the rotary shaft (9) when the rotary shaft rotates with respect to the motor body (7) (col. 2, lines 34-38);
- A connecting lever (Fig 1, 1) having a first end thereof fixed to an object (6) to be swung, and having a second end thereof attached to the traveling block (10) such that the traveling block can travel along the rotary shaft in a plane parallel to the plane in which the motor moves (col. 2, lines 34-38);
- A prescribed portion (Fig. 1, 6) between the first and second ends of the connecting lever being attached to a predetermined portion of the outside support body (2) such that the first and second ends of the connecting lever can move in a plane parallel to the plane in which the motor moves.

16. However, Bergkvist does not expressly disclose:

- A bracket and a motor holding section to hold the motor.

17. Menke discloses an adjusting mechanism for a vehicle light (Fig. 2, 22) having a bracket (24) and a motor holding section (54) to hold a motor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bracket and the motor holding section as shown in Menke for the adjustable

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headlight system of Bergkvist to provide structural support to the motor using simple structures, for the purpose of providing a solid structural support to the motor while minimizing the manufacturing cost of the system.

Allowable Subject Matter

12. Claim 5 is objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form **incorporating all** of the limitations of the **base claim 1**.

18. Claim 5 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose an **adjustable headlight system** having "a **motor movably connected** to a bracket through a motor attaching member constituted arm sections formed at rim portions of a main section and bent toward a rear end of the motor body".

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Solosabal et al. (US 1,514,869), Moore (US 5,957,563) and Ravier (US 6,799,876) show headlight systems with adjusting mechanisms.


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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
4/13/2006



JOHN ANTHONY WARD
PRIMARY EXAMINER